

REMARKS

Summary of the Office Action

In the Final Office Action, claims 15-18, 20-21, 23, 26, 28 and 31-51 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claims 15-18, 20-21, 23, 26, 28 and 31-51 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 15-17, 26, 32-33, 48-50 and 57 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,088,323 to Kobayashi et al. (hereinafter "Kobayashi") in view of U.S. Patent No. 5,875,156 to Ito et al. (hereinafter "Ito").

Claims 15-18, 21, 26, 31-37, 42-45 and 47-51 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kobayashi in view of U.S. Patent No. 4,967,286 to Nomula et al. (hereinafter "Nomula").

Claim 56 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ito in view of U.S. Patent No. 5,967,676 to Cutler et al. (hereinafter "Cutler").

Claims 19, 22, 24-25 and 27-30 are allowed.

Claims 20, 23, 28, 38-41 and 46 would be allowable if rewritten in independent form and to overcome the rejection under 35 U.S.C. § 112, second paragraph.

Summary of the Advisory Action

In the Advisory Action dated November 22, 2004, the Examiner notes that the Amendment filed on November 8, 2004 was not entered because the amendments to claims 56 and 57 raised new issues.

Summary of the Response to the Office Action and the Advisory Action

Applicants have amended each of the objected to dependent claims 20, 28, 38-41 and 46 to be rewritten in independent form in accordance with the Examiner's indication of allowable subject matter. As a result, claims 15, 17-18, 21 and 32-35 have been canceled without prejudice or disclaimer. Moreover, the dependencies of claims 16, 21, 26, 31, 36, 37, 42, 43, 44, and 45 have been amended in light of the above-discussed approach. Moreover, claims 47-51 have been canceled without prejudice or disclaimer.

Also, in light of the Examiner's statements in the Advisory Action dated November 22, 2004 regarding claims 56 and 57, Applicants have opted to cancel claims 56 and 57 without prejudice or disclaimer to their possible subsequent presentation in a continuation application.

Accordingly, claims 16, 19-20, 22-31, and 36-46 remain pending for further consideration.

Examiner Interview on October 12, 2004

Examiner Hai Pham is thanked for the courtesies extended to the undersigned during the in-person Examiner interview held at the United States Patent and Trademark Office on

October 12, 2004. The interview is summarized on the Interview Summary Form issued by the Examiner on the same day as the interview, and is discussed further below.

Rejections under 35 U.S.C. § 112, First and Second Paragraphs

In the Final Office Action, claims 15-18, 20-21, 23, 26, 28 and 31-51 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 15-18, 20-21, 23, 26, 28 and 31-51 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

With regard to the rejections under 35 U.S.C. § 112, first and second paragraphs, the Examiner confirmed during the interview that these rejections would be withdrawn if each of independent claims 15, 32, 47 and 48 were amended to place them back to their previous form before the Amendment filed on April 14, 2004. In particular, this would require deleting “surrounding annular unrecorded area” and “immediately after recording” from each of these claims and also re-introducing the “as compared to a pit-less portion” into each of these claims. The Examiner also noted this in the final sentence of the Continuation Sheet of the Interview Summary Form. While each of claims 15, 32, 47 and 48 have been canceled without prejudice or disclaimer, Applicants have proceeded with the above discussed approach regarding these particular limitations in claims 15 and 32 in the rewriting of various previously-dependent claims into independent form, as discussed below. Withdrawal of the rejections under 35 U.S.C. § 112, first and second paragraph is thus respectfully requested.

The Rejections under 35 U.S.C. §§ 102(e) and 103(a)

Claims 15-17, 26, 32-33, 48-50 and 57 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,088,323 to Kobayashi et al. (hereinafter “Kobayashi”) in view of U.S. Patent No. 5,875,156 to Ito et al. (hereinafter “Ito”). Claims 15-18, 21, 26, 31-37, 42-45 and 47-51 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kobayashi in view of U.S. Patent No. 4,967,286 to Nomula et al. (hereinafter “Nomula”). Claim 56 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ito in view of U.S. Patent No. 5,967,676 to Cutler et al. (hereinafter “Cutler”).

Claims 56 and 57 have been canceled without prejudice or disclaimer to their possible presentation in a subsequent continuation application. Accordingly, the foregoing rejections regarding claims 56 and 57 have been rendered moot.

As indicated in the Final Office Action, 19, 22, 24-25 and 27-30 are allowed, and claims 20, 23, 28, 38-41 and 46 would be allowable if rewritten in independent form and to overcome the rejection under 35 U.S.C. § 112, second paragraph. During the interview, the Examiner noted that if the claims were amended as discussed above to obviate the rejections under 35 U.S.C. § 112, the objected to claims would be allowable if rewritten in independent form. Accordingly, in light of this indication, Applicants have opted to proceed with this approach, as discussed further below.

In particular, each of the objected to dependent claims 20, 28, 38-41 and 46 have been amended to be rewritten in independent form in accordance with the Examiner’s indication of allowable subject matter. As a result, claims 15, 17-18, 21, 32-35 have been canceled

without prejudice or disclaimer. Moreover, the dependencies of claims 16, 21, 26, 31, 36, 37, 42, 43, 44, and 45 have been amended in light of the above-discussed approach. Moreover, claims 47-51 have been canceled without prejudice or disclaimer. Accordingly, the outstanding rejections under 35 U.S.C. § 103(a) of claims 15-18, 21, 26, 31-37, 42-45 and 47-51 have been rendered moot in light of the foregoing discussion. Withdrawal of these rejections, as well as the claim objections, is thus respectfully requested.

Conclusion

With no other rejections pending, Applicants respectfully assert that currently-pending claims 16, 19-20, 22-31 and 36-46 are in condition for allowance for at least the foregoing reasons. It is respectfully submitted that this application should now pass to issuance. In view of the foregoing remarks, Applicants respectfully request the entry of the Amendments to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this

application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required,
including any required extension of time fees, or credit any overpayment to Deposit Account
No. 50-0310.

Respectfully submitted,

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Dated: December 9, 2004

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